

## REMARKS

Claims 10, 12, 14-21 and 23-40 are present in the application. Claim 10 has been amended and claims 37-40 have been added. Claims 10, 14 and 37 are independent. Reconsideration of this application, as amended, is respectfully requested.

### Rejections Under 35 U.S.C. § 102

Claims 10, 12, 18, 19, 27-29 and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto et al., EP 913 465 A1. This rejection is respectfully traversed.

The present invention as recited by independent claim 10 is directed to a device for collecting samples from within a sealed system. Independent claim 10 requires a combination of elements including "a housing," "an empty receptacle holder" and "a filled receptacle holder." Furthermore, independent claim 10 requires the recitation "said filled receptacle holder for receiving said at least one receptacle therein and being removably mounted to said housing such that the environment inside said housing and the environment inside said filled receptacle holder remain sealed from each other and the ambient environment outside the housing when said filled receptacle holder and said housing are removed from each other." With the construction according to independent claim 10 of the present invention, it is possible to supply a receptacle into

the inside of the housing to fill the receptacle with the flowable material and remove the receptacle from the inside of the housing into the filled receptacle holder. It is also possible to then remove the filled receptacle holder from the housing with the filled receptacle therein without contaminating the inside of the housing or the inside of the filled receptacle holder and without contaminating the ambient environment outside the housing. Applicant respectfully submits that the Hashimoto et al. reference relied on by the Examiner fails to teach or suggest the present invention as recited by independent claim 10.

In particular, referring to the Hashimoto et al. reference, the Examiner considers the stocker chambers (S) to be the empty and filled receptacle holders of the present invention. However, referring to Figures 35 and 36 of Hashimoto et al., it becomes clear that the work stocker (B), which corresponds to the stocker chamber (S) in the embodiment of Figures 38 and 39, and the robot chamber (R) are not removably mounted to each other such that the environment inside the robot chamber (R) and the environment inside the work stocker (B) remain sealed from each other and the ambient environment outside the robot chamber (R) "when [the work stocker (B)] and said [robot chamber (R)] are removed from each other" as required by independent claim 10 of the present invention.

Specifically, in Figure 35 of Hashimoto et al., an automatic door (G5) is provided on a wall between the robot chamber (R) and the work stocker (B). In view of this,

although not specifically disclosed in Hashimoto et al., it would be possible to close the door (G5) and separate the work stocker (B) and the robot chamber (R) such that the environment within the work stocker (B) is isolated from the environment inside and outside of the robot chamber (R). However, referring to Figure 36 of Hashimoto et al., there is no wall on the side of the robot chamber (R) that faces the work stocker (B) or there is an opening in the wall if a wall is located on the side of the robot chamber (R) that faces the work stocker (B). In view of this, when the work stocker (B) and the robot chamber (R) are removed from each other, the robot chamber (R) is not sealed from the environment outside of the robot chamber (R). In view of this, the Hashimoto et al. reference fails to anticipate independent claim 10 of the present invention.

Referring to column 19, paragraph [0082] of Hashimoto et al., a second covering (G7) is disclosed as forming a sealed structure. However, Applicants submit that the sealed structure is only formed when the robot chamber (R) and the work stocker (B) are connected to each other. This fact can be further understood from a review of column 21, paragraph [0094] of Hashimoto et al., which describes the operation of the apparatus of Hashimoto et al. Specifically, only the door (G5) is disclosed as being opened and closed to allow for access between the robot chamber (R) and the work stocker (B). In view of this, there must be at least an opening in the robot chamber (R) at the location of the door (G5) of the work stocker (B) in order to gain access to the work stocker (B) when the door (G5) is opened. In view of the opening in the robot

chamber (R), when the robot chamber (R) and the work stocker (B) are removed from each other, this opening would allow communication between the inside of the robot chamber (R) and the environment outside of the robot chamber (R). Accordingly, the Hashimoto et al. reference fails to anticipate independent claim 10 of the present invention.

With regard to dependent claims 12, 18, 19, 27-29 and 35 Applicant respectfully submits that these claims are allowable due to their dependence upon allowable independent claim 10, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicant respectfully submits that claims 10, 12, 18, 19, 27-29 and 35 clearly define the present invention over the Hashimoto et al. reference relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

#### **Allowable Subject Matter**

In the Examiner's Office Action, the Examiner has indicated that claims 14-17, 20, 21, 31-34 and 36 include allowable subject matter. In addition, dependent claims 23-26 and 30 have been objected to. Applicant greatly appreciates the indication of allowable subject matter by the Examiner.

As the Examiner will note, additional claims 37-40 have been added for the Examiner's consideration. Independent claim 37 is directed to the subject matter of

independent claim 10 and dependent claim 23 as presented in the Amendment dated February 19, 2003. In addition, dependent claims 38-40 are directed to the subject matter of dependent claims 24-26 presented in the Amendment dated February 19, 2003, respectively. In view of this, additional claims 38-40 should be in condition for allowance.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for three (3) month extension of time for filing a reply in connection with the present application, and the required fee of **\$475.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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